

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**UNITED STATES OF AMERICA *ex rel.*** : **CIVIL ACTION**  
**ELLSWORTH ASSOCIATES, LLP,** :  
: :  
**v.** : **NO 19-cv-2553**  
: :  
**CVS HEALTH CORPORATION, *et al.*,** : **FILED UNDER SEAL**

**ORDER**

**NOW**, this 6<sup>th</sup> day of May, 2022, the United States having notified the Court under the False Claims Act (31 U.S.C. § 3720(b)(4)) that the United States is declining to intervene in this *qui tam* action, it is **ORDERED** that:

1. The **Second Amended Complaint** shall be **UNSEALED** and served upon the defendants by relator Ellsworth Associates, LLP.
2. **All other contents of the Court's file** in this action—including the United States' **five uncontested evaluation period extension applications (with accompanying briefs)** dated August 2019, February 2020, August 2020, February 2021, and August 2021, as well as relator's **initial Complaint and Amended Complaint**—shall remain **SEALED** and not be made public or served upon the defendants or the relator, **except for** the following, which the relator will serve upon the defendants only after service of the Second Amended Complaint: (a) this Order; (b) the United States' February 22, 2022 “Notice of Election to Decline Intervention”; and (c) the United States’ April 8, 2022 “Second Notice of Election to Decline Intervention.”
3. The seal shall be lifted as to all other matters that occur in this action **after** the date of this Order.

4. The parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States, as provided for in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcript(s) and is entitled to intervene in this action, for good cause, at any time.

5. The parties shall serve all notices of appeal upon the United States.
6. All orders of this Court will be sent to the United States.
7. Should the relator, the defendants, or any later-named defendant(s) propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting the Court's approval.
8. The Clerk shall serve a copy of this Order on **only** counsel for the United States and counsel for the relator.

**IT IS SO ORDERED.**

/s/ Judge John Milton Younge  
HONORABLE JOHN MILTON YOUNGE  
*Judge, United States District Court*

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